

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**CRIMINAL ACTION NO. 3:07-CR-69
(JUDGE GROH)**

JAVON ALEXANDER CHASE,

Defendant.

**ORDER DENYING DEFENDANT'S MOTIONS FOR SENTENCING TRANSCRIPT
AND OTHER DOCUMENTS**

On April 22, 2013, Defendant filed a Motion for Sentencing Transcript and a Motion for Copies Without Costs. In support of Defendant's Motion for Sentencing Transcript, he states that he does not have financial support and cannot pay for the transcript. Defendant also states that he needs the transcript to pursue his filing in regards to the crack law—presumably meaning he is seeking a reduction of his sentence.

28 U.S.C. § 753(f) provides, in pertinent part:

Fees for transcripts furnished in criminal proceedings to persons proceeding under the Criminal Justice Act (18 U.S.C. 3006A), or in habeas corpus proceedings to persons allowed to sue, defend, or appeal in forma pauperis, shall be paid by the United States out of moneys appropriated for those purposes.

However, the Fourth Circuit Court of Appeals has held that a Defendant seeking free access to transcripts because “he plans to raise claims of prosecutorial misconduct and ineffective assistance of counsel in a habeas proceeding filed pursuant to 28 U.S.C.

§ 2255” did not demonstrate an adequate need for the transcripts by merely providing the

type of claims he planned to present in his habeas motion. *United States v. Brown*, 36 Fed. Appx. 519 (4th Cir. 2002). Additionally, it is well settled that a federal prisoner is not entitled to copies of court records at government expense, without a showing of need, merely to search the record for possible error. *United States v. Glass*, 317 F.2d 200, 202 (4th Cir. 1963).

In this case, Defendant has filed two motions for copies of the sentencing transcript, Rule 11 hearing transcript, and many other documents free of charge. In support of Defendant's Motion for Copies Without Costs, Defendant requests eight different sets of documents including the sentencing memorandums, all pre-trial motions and briefs in support or against, the indictment, the plea bargain agreement, the transcript from his Rule 11 hearing, and all correspondence regarding his case. Defendant also seeks a copy of the sentencing hearing transcript. Defendant allegedly requests all the documents because he is "in the process of filing for the crack law (3582)."

Upon review of Defendant's motions, this Court does not find that Defendant has presented an adequate need for the documents as he has not filed a Motion to Reduce his Sentence Pursuant to 18 U.S.C. § 3582. Also, he has provided no information regarding his financial status other than stating he is indigent. Accordingly, the Court **DENIES WITHOUT PREJUDICE** Defendant's Motion for Sentencing Transcript [Doc. 43] and Motion for Copies Without Costs [Doc. 44]. Defendant has requested his docket sheet, and the Clerk of Court is directed to provide Defendant with a copy. However, copies of documents cost 50 cents per page. Therefore, if Defendant would like a copy of all the documents, then he must remit the proper fees to the Clerk's office. Defendant has also requested a

copy of his sentencing hearing transcript. If Defendant requests a copy from the Clerk's office, he must first remit payment of \$15.00.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record and/or *pro se* parties.

DATED: April 23, 2013


GINA M. GROH
UNITED STATES DISTRICT JUDGE